

"Approved by the City Council/Redevelopment Agency Board on March 28, 2007."

**CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA  
February 28, 2007**

The City Council/Agency Board of the City of Westminster, California convened on February 28, 2007 at 7:10 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

**7:00 P.M.**

**ROLL CALL:**

**PRESENT:** RICE, MARSH (arrived 7:12 p.m.), FRY, QUACH, TA  
**ABSENT:** NONE

**SALUTE TO FLAG:** City Attorney

**INVOCATION:** Council Member Ta

**SPECIAL PRESENTATIONS:**

- A. Gail Butler, Executive Director of Mothers Against Drunk Driving (MADD), stated the Officers have done an extraordinary job in protecting the citizens of this community. Tracy Miller, volunteer and former employee of the City, representing MADD, commended Westminster Police Officers Bill Drinnin (69 arrests), Paul Walker (64 arrests), Nick Tran (30 arrests), and Scott Gump (28 arrests). Ms. Butler said they would receive plaques and pins.
- B. Greg Johnson, Community Services Director, introduced Louise Milner, Principal at La Quinta High School, who listed some of the academic and sports achievements of La Quinta High School. She introduced Mr. Jamie Baker, Band Director, and Mrs. Carrie Weisenberger, President of Friends of Music. Mr. Baker and Mrs. Weisenberger organized a trip to Hawaii for 126 students and 27 parents to recognize the 65<sup>th</sup> Anniversary of Pearl Harbor and Pearl Harbor survivors and showed a film of the trip.

**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of January 24, 2007 and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 5, 2007.**

**ACTION:** Approved.

**ROUTINE MATTERS****1.2 Agreement for Interim Director of Personnel and Risk Management Services (502-03)**

ACTION: The Mayor and City Council approved an Agreement for Consultant Services with Chris Birch in an amount not to exceed \$76,000, and authorized the Interim City Manager to execute the agreement on behalf of the City.

**1.3 Increase in Purchase Order for Arterial Wall Prepping and Painting Project (502-03)**

ACTION: The Mayor and City Council approved an increase to the purchase order with Central Painting Company in the amount of \$40,000.

**1.4 Lot Line Adjustment No. 2005-58 for Properties Located at 14072 Goldenwest Street and 14070 Goldenwest Street (Car Wash) (201-06)**

ACTION: The Mayor and City Council accepted the subject document and authorized its recordation at the County Recorder's Office.

**1.5 Agreement between the City of Westminster, Moran Property Limited Partnership and Asian Garden Ltd. II for Pavement Work on Bishop Place (502-13/502-01)**

ACTION: The Mayor and City Council approved the subject agreement and authorized the Interim City Manager to execute the agreement on behalf of the City.

**1.6 (City/Agency) Increase in Purchase Order for Tax Sharing Calculation Services for Fiscal Year 2006-07. (502-08)**

ACTION: The Mayor/Chair and the City Council/Agency Board approved an increase to the purchase order with Hinderliter, deLlamas & Associates, Coren & Cone (HdL) for tax sharing calculation services in the amount of \$4,900.

**WARRANT REGISTER****1.7 (City Council/Redevelopment Agency) Warrant Register dated February 7 through 20, 2007. (105-09)**

ACTION: Approved.

**INFORMATION AND REPORTS****1.8 Minutes of the Planning Commission meeting held January 17, 2007 (104-11)**

ACTION: Received and filed.

**1.9 Minutes of Traffic Commission meeting held on February 6, 2007 (104-12)**

ACTION: Received and filed.

**1.10 Treasurer's Report – January 2007 (105-08)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Fry**, and seconded by Council/Agency Member Quach, to approve the Consent Calendar. The motion carried by a 5-0 vote.

**END OF CONSENT CALENDAR**

**2. ORAL COMMUNICATIONS**

Kenny Wilson, resident of Westminster, addressed Council to confirm that the traffic light at Oasis Avenue and Newland Street would be installed.

Marwan Youssef, Public Works Director/City Engineer, stated that the contract award for the signal design will be on the March 28<sup>th</sup> Council agenda. The request from Council Member Quach for a crosswalk at 15<sup>th</sup> Street will be presented to the Traffic Commission.

Leo Castonguay, resident of Westminster, spoke in favor of the signal at Oasis Avenue and Newland Street. He stated that while waiting for the traffic light to be installed, it would be helpful to have a break in the center median on the southbound side of Oasis Avenue while waiting for traffic merging south on Newland Street to clear.

Mayor Rice asked the Public Works Director to review the matter.

**3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

**3.1 The actions of the Planning Commission meeting held on February 21, 2007**

- 1) Case No. 2006-91 Conditional Use Permit for on-sale of beer and wine in conjunction with a proposed restaurant. Location: 9550 Bolsa Avenue, Suite 115A.
- 2) Case No. 2006-94 Conditional Use Permit for on-sale of alcoholic beverages and entertainment. Location: 14541 Brookhurst Street #A-3. (Caravan Seafood Restaurant).

- 3) Case No. 2006-98 Conditional Use Permit to operate an auto rental facility at the Westminster Center at 6777 Westminster Boulevard #D adjacent to Starbucks and Bank of America.
- 4) Case 2005-01 A request to not install decorative hardscape in the vehicle display area of the Lexus dealership at 13590 Beach Boulevard.

Don Anderson, Community Development Director, stated that Case No. 2006-91 is within 500 feet of Council Member Ta's residence.

**Motion was made by Council Member Quach**, seconded by Mayor Pro Tem Marsh, to accept and file Item No. 1. The motion carried by a 4-0 vote with Council Member Ta abstaining.

Mayor Pro Tem Marsh called up Item No. 2 for review, as he has concerns regarding the live entertainment.

**Motion was made by Council Member Quach**, seconded by Council Member Ta, to accept and file Item Nos. 3 and 4. The motion carried by a 5-0 vote.

#### 4. PUBLIC HEARINGS

##### 4.1 **APPEAL OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-79 (CONDITIONAL USE PERMIT, VARIANCE, SITE PLAN REVIEW, DESIGN REVIEW, AND LOT LINE ADJUSTMENT) LOCATION: 6621-6791 WESTMINSTER BOULEVARD; APPLICANT: MICHAEL KARETI, AUTHORIZED AGENT FOR WRI GOLDEN STATE, LLC, PROPERTY OWNER OF RECORD; APPELLANT: SANDRA MCCLURE, BUSINESS OWNER. (201-00) (CN 2006-79)**

Chris Wong, Assistant Planner, presented an overview of the proposed project. The applicant is proposing to consolidate several of the tenant spaces in the existing retail shopping center located at the northwest corner of Westminster Boulevard and Goldenwest Street, as well as eliminate the existing food court and expand the building south towards the Edwards Theatre in order to create a 14,746-square foot tenant space to accommodate the new health club/gymnasium use.

Mr. Wong stated that the project was called up for review by Mayor Rice and appealed by an adjacent business owner, both sharing the same concern that the proposed project would negatively affect the adjacent tenants within the shopping center, which is the vacant tenant space and the Baskin-Robbins tenant space.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE PROJECT.

Sandra McClure, appellant, thanked Mayor Rice and Mayor Pro Tem Marsh for their help to address her concerns. She is confident that she and the applicant will reach an agreement.

Neil Soskin, Weingarten Realty Management Company Vice President, stated that he and Ms. McClure have reached an agreement with a lease and they are ready to sign it. The franchisor has to approve it.

Council Member Marsh asked what measures are going to be taken to keep the noise under control.

Mr. Soskin said the layout of the shopping center does provide an amount of insulation because residences are across the street and behind other shopping centers to the south. To the north there are several hundred feet of parking lot and other buildings before the residential section. Security hours for the shopping center are 4 p.m. to 2 a.m. Obtaining additional security is possible since 24-Hour Fitness will reimburse the cost.

Mayor Pro Tem Marsh said that he is satisfied with the security issue. He asked about the lighting in the corridor. The corridor will have two 5-foot choke points that widen to 7 feet in the middle, creating a dark alley.

Brian Kriz, Construction Manager for WRI Golden State, said there will be lights throughout the evening hours in the corridor area.

Discussion ensued regarding having a camera in the corridor or to install gates on either end.

Mr. Soskin stated that they will over light the corridor and if the police department determines there is a problem, a camera or gate system can be installed.

MAYOR RICE ASKED THOSE PERSONS WISHING TO SPEAK IN OPPOSITION TO THE PROJECT TO ADDRESS THE COUNCIL. BEING NO ONE WISHED TO SPEAK IN OPPOSITION, MAYOR RICE CLOSED THE PUBLIC HEARING.

**A motion was made by Mayor Pro Tem Marsh**, seconded by Council Member Quach, to adopt Resolution No. 4063 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's decision to approve Case No. 2006-79 pertaining to a Conditional Use Permit, Variance, Site Plan Review, Design Review, and Lot Line Adjustment for a New Health Club/Gymnasium Use and Commercial Building Expansion located at 6621-6791 Westminster Boulevard," and waive further reading, subject to a requirement that there will be the placement of a remote-view camera within the corridor which would operate 24 hours, and an agreement between the appellant and the applicant that obtains the approval of the franchisor (Baskin-Robbins) before construction begins.

Mr. Soskin said they are prepared to start demolition and the condition could delay construction depending on obtaining the agreement from Baskin-Robbins.

The City Attorney responded that if 24-Hour Fitness is willing to proceed at their own risk in terms of cost of construction and demolition, and the Council conditions it upon occupancy, the contract must be in place. The building cannot be occupied until the appropriate contract is obtained.

Mr. Soskin and Mayor Pro Tem Marsh were satisfied with the City Attorney's explanation.

The motion was carried by a 5-0 vote.

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Council Member Ta congratulated The Union of Vietnamese Student Association for the successful Tet Festival at Garden Grove Park. Mayor Rice and the Council Members were present at the opening ceremony and the event was enjoyable for Westminster residents. He congratulated Police Chief/City Manager Andy Hall for receiving the Citizen of the Year award.

Council Member Fry stated the City has not belonged to the Southern California Association of Governments (SCAG) and he thinks the City should consider joining. Mayor Rice expressed her interest in the City joining SCAG, and she asked that it be agendaized for the next Council meeting for further discussion.

City Attorney Jones stated that SCAG funds regional projects through the Federal government, and if the City doesn't belong, they don't have a voice in these projects.

Council Member Fry said he'd be going on vacation March 24<sup>th</sup> for two weeks and he will miss the March 28<sup>th</sup> Council meeting.

Mayor Pro Tem Marsh said he was at the Recorder's Office to observe the County Supervisor election recount process for Janet Nguyen and Trung Nguyen. He warned people not to make any additional mark on absentee ballots because the ballot will be cancelled. He commended the Registrar of Voters for their hard work in a difficult process.

Council Member Fry stated that this month the 50<sup>th</sup> Anniversary of the City of Westminster will be celebrated on March 30<sup>th</sup>. The Founders Day celebration is March 16-18. The Mayor's Ball will be in June.

Mayor Rice spoke about the Founders' Day Celebration being a festival including the arts and crafts booths by non-profit groups, a carnival in the parking lot,

talent, exhibits, and food. There will be events all year celebrating the anniversary.

Mayor Rice said she was invited to read at Finley School and enjoyed it tremendously. Seven police officers also attended to read. She attended the activities in the parking lot with the students where lots of fun and good food were enjoyed by all.

Mayor Rice stated she would like Council to review joining organizations that can benefit the City such as SCAG.

## **5.2 AB 1234 Reports**

Mayor Pro Tem Marsh reported on his attendance at the ICSC Conference on Open-Air Centers in Phoenix, Arizona on February 15 and 16, 2007. He spoke with many major chain commercial tenants and visited several shopping centers in Phoenix, Mesa and Scottsdale. He said they looked similar with open air centers, many had the same type of stores, high-end restaurants and an increased density parking structure. Mixed use was not popular with commercial tenants.

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

### **6.1 Selection of Study Session Date for Real Estate Market Study (103-08)**

**A motion was made by Council Member Ta**, seconded by Council Member Quach, to select Monday, March 5, 2007 at 6:00 p.m. for a Study Session on the results of the Real Estate Market Study. The motion was carried by a 5-0 vote.

Council Member Quach said he would be out of town for the March 5, 2007 Study Session.

### **6.2 Compensation plan for the Management/Administrative/Confidential employees of the City of Westminster (110-02/110-04)**

**A motion was made by Council Member Quach**, seconded by Council Member Fry to:

- 1) Adopt Resolution No. 4056 entitled "A Resolution of the Mayor and City Council of the City of Westminster providing for a compensation plan for the Management/ Administrative/Confidential employees of the City of Westminster", and waive further reading;

- 2) Appropriate \$160,631 for salaries and benefits to the following funds:

<u>Fund No.</u>	<u>Fund Description</u>	<u>Amount</u>
100	General Fund	\$ 57,638
285	Community Development	27,174
210	Gas Tax	4,978
211	Measure M	4,783
216	Traffic Impact	8.
220	Municipal Lighting	81
230	Cable TV	6,827
240	CDBG	1,346
242	HOME	891
275	CS Grant	829
500	Redevelopment Operating	11,702
530	Low/Moderate Housing	808
600	Water Utility	20,881
700	Equipment Replacement	3,368
740	Employee Benefits	7,047
750	Liability	7,047
760	Information Systems	<u>5,150</u>

Total Budget Adjustment for Fiscal Year 2006-2007 \$160,631

- 3) Approve a revised job classification for Assistant City Clerk; and
- 4) Approve a revised job classification for City Cable Television Production Supervisor.

The motion carried by a 5-0 vote.

### 6.3 (City/Agency) Mid-year Amendments to the Fiscal Year 2006-07 Budget (105-04)

**A motion was made by Mayor Rice**, seconded by Council Member Quach, to approve amendments to the fiscal year 2006-07 Municipal Budget, as follows:

#### General Fund

Projected Net Change in General Fund Balance (Surplus/(Deficit)) \$1,869,459

12000-43000	Legal Fees – City Clerk	12,000
50000-43000	Legal Fees – Public Works	20,000
50500-44000	Supplies (pay-for-parking supplies)	846
53000-43090	War Memorial Maintenance Costs	24,000
53500-43090	Tree maintenance contract	20,000



70000-43000	Legal Fees – Community Services	<u>3,000</u>
	Recommended General Fund Mid-Year Adjustments	\$79,846

Projected Net Change in General Fund Balance (Surplus/(Deficit))     \$1,789,613

### **Community Promotions Fund**

Projected Net Change in Com. Promotions Fund Balance (Surplus/(Deficit))     \$99,192

75000.44010	Postage	<u>4,200</u>
	Recommended Community Promotions Fund Mid-Year Adjustments	\$4,200

Projected Net Change in Com. Promotions Fund Balance (Surplus/(Deficit))     \$94,992

### **Community Services Fund**

Projected Net Change in Com. Services Fund Balance (Surplus/(Deficit))\$44,327

73050.44000	Aquatics supplies and equipment	<u>2,200</u>
	Recommended Community Services Fund Mid-Year Adjustments	\$2,200

Projected Net Change in Com. Services Fund Balance (Surplus/(Deficit))\$42,127

### **Community Development Fund**

Projected Net Change in Com. Dev. Fund Balance (Surplus/(Deficit))\$(284,677)\*

61050.47000	Office Furniture and Equipment	<u>9,500</u>
	Recommended Community Dev. Fund Mid-Year Adjustments	\$9,500

Projected Net Change in Com. Dev. Fund Balance (Surplus/(Deficit)) \$(294,177)

\*While the projected change in fund balance is anticipated to be in a deficit, it would be helpful to note that the projected available fund balance amounts of \$1,337,637

### **Low/Moderate Income Housing Fund**

Projected Net Change in Low/Mod Housing Fund Bal. (Surplus/(Deficit))     \$5,255,482

18600.43090	Contractual Other	<u>75,000</u>
	Recommended Community Dev. Fund Mid-Year Adjustments	\$75,000

Projected Net Change in Low/Mod Housing Fund Bal. (Surplus/(Deficit))     \$5,180,482

### **Water Utility Fund**

Projected Net Change in Water Utility Fund Balance (Surplus/(Deficit))     \$(1,075,670)\*

57000.43090	Contractual Other	<u>10,000</u>
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Recommended Water Utility Fund Mid-Year Adjustments      \$10,000

Projected Net Change in Water Utility Fund Balance (Surplus/(Deficit))      \$(1,085,670)

\*While the projected change in fund balance is anticipated to be in a deficit, it would be helpful to note that the projected available fund balance amounts of \$2,308,534

### **Internal Services Fund-Information Systems**

Projected Net Change in Info. Services Fund Balance (Surplus/(Deficit))      \$(142,171)\*

14450-48000    Capital Improvements      75,000

14450-43090    Contractual Other      10,000

Recommended Information Services Fund Mid-Year Adjustments      \$85,000

Projected Net Change in Info. Services Fund Balance (Surplus/(Deficit))      \$(227,171)

\*While the projected change in fund balance is anticipated to be in a deficit, it would be helpful to note that the Info. Systems Fund has a contingency balance of \$77,962 and a projected available fund balance amounts of \$783,685

### **Government Buildings Fund**

Projected Net Change in Gov. Bldgs. Fund Balance (Surplus/(Deficit)) \$(360,316)\*

75500.44020    Part Time Wages      14,000

75500-43072    Utilities      50,000

Recommended Gov. Bldgs. Fund Mid-Year Adjustments      \$64,000

Projected Net Change in Gov. Bldgs. Fund Balance (Surplus/(Deficit)) \$(424,316)

\*While the projected change in fund balance is anticipated to be in a deficit, it would be helpful to note that the Gov. Bldgs. Fund has a contingency of \$ 66,541 and a projected available fund balance amounts of \$73,563

### **Redevelopment Administration Fund**

Projected Infrastructure Revitalization Program Balance (Surplus/(Deficit))      \$8,252,221

	Water System Improvements		
TBD	Phasell Meter Exchange	<u>\$500,000</u>	
	Total Water System Improvements		\$500,000

	Parks and Improvements		
TBD	War Memorial Improvements	<u>\$19,675</u>	
	Total War Memorial Improvements		\$19,675

	Non-Residential Street and ROW repairs		
18002-051801	City-wide Striping		\$50,000

18002-051802	City-wide Bus Pad	50,000
18002-061805	Yard Concrete Repair	50,000
18002-061806	City-Wide Graffiti Cleaning	<u>75,000</u>
Total Non-Residential Street and ROW repairs		\$225,000

Residential Street and ROW repairs		
18002-051804	City-wide Cape & Slurry	\$590,000
18002-051804	City-wide CTB (Reconstruction)	<u>1,235,000</u>
Total Residential Street & ROW repairs		\$1,825,000

Drainage Improvements and repairs		
TBD	Brooklawn Storm Drain	\$200,000
TBD	EPA (Water Quality/ SD Improvement)	<u>250,000</u>
Total Flood Control Repairs		\$450,000

Total IRP Recommended Mid-Year Budget Adjustments		<u>\$3,019,675</u>
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Projected Infrastructure Revitalization Program		
Adjusted Balance (Surplus/(Deficit))		<u>\$5,232,546</u>

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Paul Espinoza, Finance Director, reviewed the mid-year budget increases in the General Fund. The War Memorial utility and maintenance costs are anticipated at \$24,000 for the year 2006-07.

Mayor Rice asked if the \$11,000 payment due from the War Memorial Committee is included in this expense. Mr. Espinoza said it is to pay the expenses the City has incurred. Mayor Pro Tem Marsh stated that this was the expense that had originally been agreed upon to cover in perpetuity by the War Memorial Committee. The City has released the War Memorial Committee from that obligation as they have given up their interest in the site. Mayor Rice confirmed that the War Memorial Committee no longer has first priority with the park due to this transaction.

Mayor Rice asked about the \$50,000 increase in utilities to the government building fund. Mr. Espinoza said the city building fund absorbs the cost of the utilities for the Rose Center. Mayor Rice stated that the budget dollars need to be in place for payment of the utilities, but the expenses will ultimately be reimbursed by the Rose Center Foundation and Crystal Catering.

The motion carried by a 5-0 vote.

**7. WRITTEN COMMUNICATIONS (Public) –None**

**8. LEGISLATIVE ITEMS - None**

**9. COMMISSION AND COMMITTEE ITEMS****9.1 Appointments to Commissions and Committees (104-00)**

Mayor Rice stated she had received calls that the Vicious Dog Committee is not meeting and they need to be active.

**A motion was made by Mayor Rice**, seconded by Council Member Ta, to continue the item to consider appointments to Commissions and Committees for a two-year term ending November, 2008, to the March 14, 2007 City Council meeting. The motion carried by a 5-0 vote.

**9.2 Reinstatement of the City's Energy Committee (104-07)**

Mayor Rice stated that the Energy Committee should be reinstated to keep the Council informed.

Mayor Pro Tem Marsh suggested that Mayor Rice be the Chair. Council Member Quach suggested Council Member Ta as Vice Chair.

**A motion was made by Mayor Pro Tem Marsh**, seconded by Council Member Quach to:

- 1) Adopt Resolution No. 4066 entitled, "A Resolution of the Mayor and City Council of the City of Westminster reinstating the Energy Committee", and waive further reading;
- 2) Appoint Margie L. Rice as Chair and Council Member Ta as Vice Chair to the Committee; and
- 3) Bring back nominations to serve on the Committee at the March 14<sup>th</sup> Council meeting.

The motion carried by a 5-0 vote.

**9.3 Request for timed parking restrictions on the north side of Humboldt Avenue between Edwards Street and La Pat Place – T.C. 81-106 (608-02)**

Mayor Rice asked why the request is for the north side of the street.

Marwan Youssef, Public Works Director/City Engineer, stated the request was received from the school because the parents are using that area to leave and pickup their children for school. With the congestion of parking on both sides of the street and the students crossing the street, the area is not safe. It was recommended to the Traffic Commission to have 150 feet of red curb to restrict parking, but the Traffic Commission came back with the solution of timed parking restrictions. It will be restricted 7:30 a.m. to 3:00 p.m. except on weekends.

Mayor Rice said the congestion is caused from the parents coming out of the parking lot.

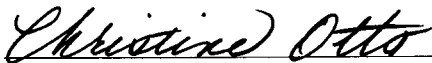
Mr. Youssef said that if this does not work, they will propose another solution to the Traffic Commission.

**A motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Marsh, to approve the recommendation of the Traffic Commission and adopt Resolution No. 4064 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for timed parking restrictions and no parking and stopping restrictions on the north side of Humboldt Avenue between Edwards Street and La Pat Place", and waive further reading. The motion carried by a 5-0 vote.

**9.4 Request for "Keep Clear" Pavement Markings on the South Side of Bolsa Avenue at Harper Street – T.C. 88-109 (608-02)**

**A motion was made by Council Member Quach**, and seconded by Council Member Ta, to approve the recommendation of the Traffic Commission to install "Keep Clear" Pavement Markings and additional minor striping on the south side of Bolsa Avenue at Harper Street. The motion carried by a 5-0 vote.

- 10. COUNCIL/AGENCY ADJOURNMENT:** At 8:48 p.m., Mayor/Agency Chair Rice adjourned the meeting to Monday, March 5, 2007 at 6:00 p.m., in the Council Chambers, 8200 Westminster Boulevard, Westminster, for a Study Session to discuss the results of the Real Estate Market Study and other City/Agency matters. The meeting was adjourned in memory of Sondra Evans.

  
Christine Otto, Deputy City Clerk/  
Acting Agency Secretary